

May 20, 2019 Regular City Council Meeting

MINOT CITY COUNCIL – SCHEDULED MEETING – MAY 20, 2019 AT 5:30 P.M.

ROLL CALL

Members Present:

Olson, Pitner, Podrygula, Straight, Wolsky

Members Absent:

Jantzer, Sipma

PLEDGE OF ALLEGIANCE

Vice President, Lisa Olson presiding and led the City Council in the Pledge of Allegiance.

PERSONAL APPEARANCES

Tim Baumann, of 1308 35th Ave SW, came forward to represent Minot Environmental Policy Group. He introduced their Sustainable Minot Initiative and described a scoresheet they put together to reward and encourage actions in sustainability. He said, the categories cover topics like, waste, electricity usage, water usage, home design and landscaping, food and diet, and transportation. He mentioned two other group members who were also in attendance, Monica Peterson and Shannon Krueger and said they were available for any questions. He stated, he sent a link to each of the Council members to take the survey. He acknowledged that he ran the idea past the City Manager, Assistant Public Works Director and Verendrye Electric to make sure the actions recommended in the score sheet don't go against safety practices. The score sheet includes simple ideas and long-term initiatives.

Alderman Podrygula said he is impressed and believes it is an important grass roots effort. It will take a lot of small changes from a lot of people over a long time. He said he was also impressed they ran the idea past the City before moving forward.

Alderman Straight encouraged the group to attend the Park District meeting the following day to present the idea to them as well. He suggested there could be opportunities for collaboration in the parks with trails and biking paths.

Alderman Pitner said he appreciated the collaboration with the City and suggested they meet with schools too. He explained, it is advantageous to work with kids and begin teaching sustainable actions at a young age.

Alderman Wolsky applauded their recent effort in grocery stores to provide reusable shopping bags.

Mr. Baumann concluded by saying the survey is available on their Facebook page and paper copies are available at the Minot Public Library

Kaylin Dewitt-Vadell, of 1210 9th St NW, came forward in support of recycling. She read a letter provided by Kelsey Bucholts describing the availability of recycling in other communities and how it would benefit Minot by attracting young people to live here.

PUBLIC HEARING: TAXI LICENSE DENIAL - ROCKY MCCAIN

The City Council held a public hearing to allow Rocky McCain, an applicant for a taxi license, to appeal the decision made by the Police Chief to deny the application based on the qualifications and background examination. No one appeared on behalf of the public hearing.

Alderman Wolsky moved the City Council close the public hearing and ratify the decision made by the Police Chief to deny a City of Minot Taxi License to Rocky McCain based on a review of his driving records. Motion seconded by Alderman Podrygula and carried by the following roll call vote: ayes: Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

PUBLIC HEARING: APPROVE MAGIC FUND SOURIS BASIN PLANNING COUNCIL AGREEMENT – APPROVED

The City Council held a public hearing to consider a request from Souris Basin Planning Council for a MAGIC Fund Grant application to capitalize a new revolving loan fund specifically designed to work in conjunction with the Bank of North

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Dakota PACE and Flex PACE Interest Rate Buy Down programs. The funds requested by the Council is \$500,000 in 2019 and \$500,000 in 2020. The MAGIC Fund Screening Committee at its April 26, 2019 meeting approved the request.

Lyndsay Ulrickson, of Souris Basin Planning Council, gave some background of SBPC. She said, they have been around since the 1970's along with seven other regional councils in the state. They have been doing lending for 22-23 years. They have a \$1.7 million loan portfolio but started with about \$500,000 and added another \$500,000 fifteen years ago which has been revolved into \$5 million worth of loans. She described their experience and said this program will allow SBPC to capitalize on Bank of North Dakota programs. It has been difficult to participate in those programs because a community match source is required by Bank of North Dakota in order to be eligible to PACE and FlexPACE programs. They recently completed their five-year strategic plan and identified the need for community matching funds. She said, she appreciates the opportunity to apply for these funds and said it will help drive private investment in Minot and the seven-county region.

Alderman Wolsky stated, he is supportive of creating tools for local businesses who might not qualify for other economic development tools in the past. He asked Ms. Ulrickson about their current revolving loan program using CDBG-DR funds.

Ms. Ulrickson said, they are working with City staff to develop program policies and guidelines and are waiting for their non-profit status for the organization being created to oversee those dollars. Upon further questioning by Alderman Wolsky, Ms. Ulrickson described the program. She said, typically they are approached by a borrower, a lender, or the bank of North Dakota about a project. Souris Basin Planning Council then coordinates with the entities to determine eligibility and assists throughout the application process. Once approvals take place they coordinate the terms of the loan and create an intercreditor agreement with all the lending partners to outline understanding between all parties. They then enter into a contract with the Bank of North Dakota. She said, they are able to assist throughout the process to enable the Bank of North Dakota to buy down interest for a borrower. It is a great opportunity particularly to new businesses. The program requires there be a percentage of community match so in Minot, the Bank of North Dakota will provide 65% of the buydown and the community needs to provide 35%. This program would provide the 35% up to \$70,000 for up to three years.

Alderman Straight asked about the return on investment, to which Ms. Ulrickson explained that at a minimum, every dollar that is loaned out will get \$6 back in the community with private investment, Bank of North Dakota funds and any other lending partners. Upon further questioning, she then said, the program benefits real estate developers, expansions or new construction. It is particularly beneficial to redoing downtown, the Main Street Initiative and for rural areas.

Alderman Pitner asked what percentage of loans would be local compared to regional. Ms. Ulrickson said, the guidelines indicate that at least 70% of the Magic Fund dollars will be lent within the City of Minot. Alderman Pitner commented that communities outside of Minot contribute to the sales tax dollars that make up this fund.

Alderman Podrygula pointed out through a series of questions for Ms. Ulrickson that Souris Basin Planning Council is made up of professionals in the area of lending. They are experienced, accountable, conduct a vetting process to coordinate with their partners, and are providing a benefit to Minot and the surrounding communities. He was also assured there is no overlap or competition with the work of the Magic fund.

Alderman Pitner moved the City Council close the public hearing and approve the MAGIC Fund grant agreement with Souris Basin Planning Council to create a PACE and Flex PACE Revolving Loan Fund to partner with Bank of North Dakota. Motion seconded by Alderman Straight.

Alderman Straight moved the City Council amend the agreement, Section 1. F (Grant Payment), to read:

“After execution of this Agreement, the City of Minot will advance \$250,000 to Grantee which shall be expended for the purpose described in the Grant Application. Within three (3) business days of expending any portion of the advanced funding referenced in the preceding sentence, Grantee shall provide documentation establishing that the expenditure was in accordance with the Grant Application and Grant Program and approved by the appropriate entities prior to expenditure.

For any funding beyond the \$250,000 advance described above, provided the Grantee is following the terms of this Agreement, the City of Minot will pay the grant funds for the Grant Project as follows:

1. Grantee shall send City of Minot Finance Director documentation establishing that the loan has been approved by Grantee's Loan Review Committee and the Bank of North Dakota at least five (5) business days prior to an applicable closing.

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2. City of Minot Finance Director, or his or her designee, after review of documents and confirmation that the documents and request are in conformance with the approved Grant Application and Grant Program, shall provide the requested funds to Grantee prior to the loan closing.
3. If the loan does not close within ten (10) business days of the originally scheduled closing, Grantee shall return funds to City of Minot immediately.
4. Requested funding may be withheld if the information provided to the City of Minot Finance Director does not comply with the requirements of this Agreement or in the event of a breach of any of the terms of this Agreement by Grantee.”

Motion seconded by Alderman Wolsky.

Upon questioning by Alderman Podrygula, the Finance Director provided clarification. He said, the contract committee had concerns because the City typically does not advance fund a project. Funds are spent by the recipient and then reimbursed afterwards. In this situation, they have to have the funding in place to move forward with the loan closing. The process outlined in the original contract requires SBPC to provide documentation that the loan was approved through their process then the City of Minot would transfer funding within five business days. In other words, the money would stay in the Magic Fund until the loan was approved and ready to go. He said, the same dollar amount will be available; up to \$500,000 the first year and up to \$500,000 the second year contingent upon availability of funding. He continued by saying, the contract as originally proposed includes authorization for funding but money would not be transferred until the loan is ready to close. The amendment proposed by Alderman Straight would deposit the funds into their account prior to having any loans ready to close and would sit there until a project came up.

Alderman Straight explained that the program will be vetted by Souris Basin Planning Council and should not require an extra layer of redundancy from the City. He emphasized that he trusts the recommendation from the Magic Fund Steering Committee and the partnership with Souris Basin Planning Council. He said, the program was developed following the recommendations of the IEDC and should be viewed as an exciting opportunity, rather than digging into details.

Upon questioning by Alderman Pitner, Acting Mayor Olson clarified that the amount of the grant isn't changing, the amendment proposes \$250,000 be advanced to SBPC whereas the original contract calls for reimbursement after a loan is approved.

Alderman Straight said, he understands there have been bad dealings in the past that may be influencing staff to add layers of bureaucracy. The revolving loan fund will reinvest dollars into the Minot economy and we should be capitalizing on the opportunity rather than requiring additional oversight by staff.

Alderman Podrygula compared the project to the MSU Dome which received a Community Facilities funding for new seating. MSU purchased the seats through their own purchasing process, then provided documentation to the City for reimbursement.

Finance Director Lakefield, concurred. He said, they came up with this compromise because Souris Basin Planning Council does not have the capitalization for the revolving loan fund up front. Language was written into the contract that once a loan has gone through the approval process, the City would require some notice prior to closing and the funds would be provided on a 'just in time' basis. He explained that there is an opportunity cost when money has left the coffer it can no longer accrue interest in the account. There could be some lag time before loans start coming in so staff was trying to stay within the magic fund guidelines while still accomplish the end result that was proposed.

Alderman Wolsky said he supports the amendment because, in his opinion, there will be administrative savings on the City side. He added, SBPC will be vetting applicants so additional review by City staff will add time and costs. He also said, SBPC does not see a return until loans have been revolved a couple times. He wants them to be able to continue the program without having to come back to the City for approval with every loan.

Mr. Lakefield replied by saying, it is a misconception there will be administrative time saved by advancing the funds. He said, the work still needs to be done but with the amendment, it will be done after the fact rather than before, which is concerning. By advance funding, there will be additional steps on behalf of the City and SBPC throughout the process and after the fact.

Alderman Pitner said, as a citizen, he would rather see his tax dollars get a return on investment than interest built up in the Magic fund.

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Whereupon a vote was taken on the amendment by Alderman Straight, seconded by Alderman Wolsky and carried by the following roll call vote: ayes: Pitner, Podrygula, Straight, Wolsky; nays: Olson.

Alderman Wolsky asked if the Magic Fund guidelines conflict with the approval of this application. The guidelines state, no more than 10% of the balance in the Magic Fund available as of January 1, can be dispersed in the next year's funding. He asked how the application would be reconciled if the balance drops below \$5 million, since this proposal seeks to authorize \$500,000 in 2020.

Mr. Lakefield said, language was included in the agreement to maintain flexibility and account for any applications that may be processing on January 1st. In addition, since it is already late in the year, there is language included to allow them to make use of the entire \$500,000 in year-one. The recommendation from the Magic Fund Screening Committee was \$500,000 in 2019 and \$500,000 in 2020 so they tried to write the agreement to accommodate that with some safe guards in case something else developed in the meantime. The deadline was extended into mid-2021 but could potentially be amended by the Council as well.

Alderman Wolsky called attention to the conflict that would arise if additional projects come forward. He said there is intent from Council that may not be consistent with policy guidelines.

Whereupon a vote was taken on the above motion by Alderman Pitner, seconded by Alderman Straight, as amended, and carried by the following roll call vote: ayes: Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

ORDINANCE NO. 5387– AMEND THE 2019 ANNUAL BUDGET- SOURIS BASIN PLANNING COUNCIL – FIRST READING – APPROVED

Alderman Pitner moved the City Council place ordinance no. 5387 on first reading to amend the 2019 annual budget to increase Sales Tax Economic Development expenditures for the Souris Basin Planning Council Business Accelerator Fund grant. Motion seconded by Alderman Straight and carried unanimously.

Alderman Pitner moved the City Council pass ordinance no. 5387 on first reading. Motion seconded by Alderman Straight and carried by the following roll call vote: ayes: Olson, Pitner, Podrygula, Straight, Wolsky; nays: none.

PUBLIC HEARING: AUTHORIZE VISIT MINOT TO PROCEED WITH RFQ TO LEAD TO MAGIC FUND GRANT – APPROVED

The City Council held a public hearing to consider a request by Visit Minot that the City Council authorize an RFQ to be issued to select a consultant to develop a coordinated community wide branding strategy for economic development with details of the agreement to serve as basis for drafting an agreement with the City to secure up to \$300,000 from the MAGIC Fund.

Stefanie Hoffart, President and CEO of Minot Area Development Corporation, came forward to request the Council support the Magic Fund application for a unified marketing campaign for Minot. She stated, the MADC Board of Directors voted to support the recommendation. She said, there will be a combined effort from Visit Minot, MADC, and Chamber of Commerce as a reflection of the hard work of the technical teams formed after the IEDC report. She said the Steering Committee also supports the recommendation.

Rianne Kuhn, from Visit Minot, explained that the request was a result of the recommendations from the IEDC stakeholders' group technical white papers. There was a resounding resolution from nearly every group to move forward with a One Brand strategy. She said, it will be a qualification-based selection rather than looking for the lowest bidder. The RFQ will allow agencies to provide the scope of work, deliverables, and timeline, to bring the project to fruition. If approved by the Council, the RFQ will be posted on the Visit Minot site and will run for 21 days. It will also be published in four major newspapers around the state to expand the opportunity. The selection committee is made of two representatives from each organization, Visit Minot, MADC and Chamber of Commerce. Once a selection is made, a contract will be drafted and brought back to the City.

Alderman Pitner asked if they considered including City representation on the selection Committee. Ms. Kuhn responded by saying, since the three organizations will facilitate the process, they wanted to ensure they chose the most correct agency. She said, the members of the One Brand technical team will reconvene to continue the process once the agency is chosen. She mentioned that they do not want the group to be too big because a large group can be difficult to get work completed.